

# EXHIBIT D

# THE SEQUOIA LAW FIRM

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October 23, 2020

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**  
**(RECEIPT NO. 7019 1120 0001 6410 2470)**

Adam Foroughi  
Machine Zone, Inc.  
Epic Action, LLC  
1100 Page Mill Road  
Palo Alto, CA 94304

Dear Mr. Foroughi,

I represent Mr. Christopher East ("Plaintiff") and all other consumers similarly situated in an action against Epic Action, LLC and Machine Zone, Inc. ("Defendants") arising out of Defendants' marketing, sale, and distribution of the mobile game Final Fantasy XV: A New Empire.

The claims are detailed in the attached Complaint. As detailed in the Complaint, Machine Zone, though its subsidiary Epic Action, markets and sells various "packs" to Final Fantasy XV gamers though Apple's App Store and the Google Play Store using false and misleading advertising, predatory pricing, and gambling psychology designed to conceal the true cost of Defendants' gaming services until players are financially and psychologically invested.

Defendants' actions constitute unfair methods of competition and unlawful, unfair, and fraudulent acts or practices. These practices also constitute violations of the Consumer Legal Remedies Act ("CLRA"), California Civil Code §§ 1750 *et. seq.* Specifically, Defendants' practices violate California Civil Code § 1770(a) under, *inter alia*, the following subdivisions:

- (5) Representing that goods or services have characteristics, uses, or benefits that they do not have;
- (7) Representing that goods or services are of a particular standard, quality, or grade if they are of another; and/or
- (9) Advertising goods or services with intent not to sell them as advertised.

Pursuant to California Civil Code § 1782(c), Plaintiff hereby demands on behalf of himself and all others similarly situated that Defendants immediately correct and rectify these violations by ceasing the dissemination of false and misleading information as described in the enclosed Complaint, and initiating a corrective advertising campaign to re-educate consumers concerning

the actual items and services provided in packs. In addition, Defendants must identify all consumers similarly situated or make a reasonable effort to identify other consumers and offer to refund the purchase price to all consumer purchasers of the packs outlined in the Complaint, plus provide reimbursement for interest, costs, and fees.

In accordance with California Civil Code § 1782(d), if after 30 days from the date of this letter the requirements of Civil Code § 1782(c) have not been met, Plaintiff will amend the Complaint to seek damages, including punitive and statutory damages.

Finally, please note that this letter and the filing of the attached Complaint triggers your preservation obligations under Federal Rule of Civil Procedure 37(e). You are required to take all necessary steps to avoid spoliation of potentially relevant documents and data. Please confirm that you have implemented procedures to prevent the destruction of all documents relating to the allegations in the Complaint, whether in the form of paper documents, electronically stored information, data, databases, or some other format.

I await your response.

Sincerely,

A handwritten signature in blue ink that reads "Melody Sequoia". The signature is written in a cursive, flowing style.

Melody L. Sequoia

Enclosure(s)